

ZONING AND ADJUSTMENT BOARD

July 16, 2007

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, July 16, 2007, at 6:30 pm with the following members present: Larry Story – Chairman, Frank Topping, Nathan Yoder, Marge Thies, Woody Hill, Brad Shepherd, Frank Szczepanski and Dossie Singleton.

Bailey Cassels, Richard Cole, Ron Berry, and Todd Brown were absent.

Brad Cornelius - Planning Manager, and Sandy Cassels – Recording Secretary, were present. Lee Hawkins - Zoning and Adjustment Board Attorney, and Miguel Garcia, Tetra-Tech, County Consultant, were also present

Chairman Larry Story called the meeting to order.

Brad Shephard led the pledge of allegiance and prayer.

Mr. Story presented the proof of publication.

Mr. Hill made a motion to approve the minutes from the July 2, 2007, meeting. Mr. Berry seconded the motion and the motion carried.

T2007-0023

T. B. Merritt - Temporary Use Permit for three (3) years to allow a mobile home for care receiver's residence.

T.B. Merritt, applicant, was present and requesting a Temporary Use Permit (TUP) for three (3) years for a care receiver's residence. There were three (3) notices sent. Of the three (3) notices sent, none were returned in favor or in objection. There were no objections from the audience. Mr. Topping asked who would be receiving the care. Mr. Merritt stated his daughter would. Mr. Topping asked where Mr. Merritt's daughter resides now. Mr. Merritt stated she moves between his residence and her grandmother's residence.

Mr. Topping made a motion to approve the Temporary Use Permit for three (3) years for a care receiver's residence. Mr. Szczepanski seconded the motion and the motion carried.

T2007-0024

Frederick & Deborah Connell – Temporary Use Permit for three (3) years to allow a RV for a care receiver's residence.

No one was present for the applicant. Mr. Szczepanski made a motion to table this case until the end of the meeting. Mr. Hill seconded the motion and the motion carried.

T2007-0025

John & Lavonne Carpenter - Temporary Use Permit for three (3) years to allow a mobile home as a care receiver's residence.

Lavonne Carpenter, applicant, was present and requesting a Temporary Use Permit (TUP) for three years to allow a mobile home as a care receiver's residence. There were nine (9) notices sent. Of the nine (9) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Topping asked Mrs. Carpenter who would be receiving the care. Mrs. Carpenter stated her mother would be the one receiving the care.

Mr. Topping made a motion to approve the requested Temporary Use Permit (TUP). Mr. Szczepanski seconded the motion and the motion carried.

R2007-0036

Steven Sullivan – Rezone 9 acres mol from A5 & RR to RR1 & RR5C on two (2) vested parcels of record.

Steven Sullivan, applicant, was present and requesting a rezoning on 9 acres MOL from A5 & RR to RR1 and RR5C on two (2) vested parcels of record. There were three (3) notices sent. Of the three (3) notices sent, none were returned in favor or objection. There were no objections from the audience. Mr. Cornelius stated there are two (2) parcels; one (1) created by zoning. Mr. Cornelius stated Mr. Sullivan will be reconfiguring lot lines and will not be increasing the density.

Mr. Topping made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Yoder seconded the motion and the motion carried.

C2007-0001

A.C.M.S. – Conditional Use Permit to allow a Construction and Demolition Landfill on 80 acres MOL.

David Springstead, Springstead Engineering, and Jake Varn, Fowler, White Boggs, & Banker, were present, and requesting a Conditional Use Permit (CUP) on 80 acres to allow a Construction and Demolition Landfill (C & D). There were nine (9) notices sent. Of the nine (9) notices sent, four (4) were returned in objection and none were returned in favor. Mr. Cornelius summarized the letters of objection.

Mr. Cornelius reviewed the information for the CUP from the previous meetings. Mr. Cornelius stated there is an error in the staff report. The error is an extra paragraph on page 4 that references variances that are no longer applicable. This extra paragraph will be deleted. Mr. Cornelius explained the conditions for approval stated in the staff report. Mr. Cornelius also stated the regulations for C & D landfills in the Land Development Code was updated and approved by the Board of County Commissioners. Mr. Cornelius stated that the proposed C&D landfill is consistent with the new C&D landfill regulations.

Mr. Springstead stated the application for the C & D Landfill meets the requirements of the Land Development Code including the height, financial assurances, and distance from the seasonal

high water table. Mr. Springstead added the applicant will meet all of the staff conditions for approval.

The Zoning & Adjustment Board (Board) members questioned Mr. Springstead regarding the types of materials to be accepted, footprint of the cells including sinkholes and wetlands, inspection of loads, whether the applicant operates any other C & D landfills, where the loads are generated, and the expected life span of the existing C & D landfill. Mr. Springstead discussed the types of materials that will be allowed at the landfill (read from the staff report as this is one of the conditions for approval), and explained a spotter will monitor each truck as it is dumped. Mr. Springstead explained the footprint of the cells does not include land that has significant potential for sinkholes. Mr. Springstead stated the current C&D landfill, located west of I-75, has 3 ½ years remaining on the operating permit issued by the Florida Department of Environmental Protection (DEP). Mr. Szczepanski asked about any known sinkholes. Mr. Scott Cavin, Andreyev Engineering, Inc., explained the recent study showed 12 possible sites for sinkholes, in which 3 of these have “soft material” with a higher possibility for sinkholes. These 12 sites are in the southeast corner of the property and will not be impacted by the proposed disposal cells.

Mr. Shephard asked about odor from gypsum wallboard. Mr. Springstead explained the more gypsum board taken in to a landfill, the more odors that can occur, but with the different types of materials accepted at this site, the odors should be minimal. Mr. Cornelius explained the Land Development Code requires actions to be taken if odor becomes an issue at the site. Mr. Shephard questioned Mr. Springstead on the site monitoring. Mr. Springstead explained the site is monitored each morning for odor and trash, and the monitoring is done by an employee of the site who walks around each cell and the perimeter of the property.

Mr. Topping asked if the cells are covered each day. Mr. Springstead stated the cells are generally covered only if a storm is coming. However, the cells that are finished are covered permanently.

Charlie Dean, ACMS owner, discussed the process when a truck enters the site. When the driver signs in, he states where the load was generated, and the types of materials in the load, if a truck has a mixed load (as seen by the spotter) the load is refused and must be taken to the County's transfer station. Mr. Szczepanski asked Mr. Dean if the customers are always the same or if they have different customers each time. Mr. Dean stated the customers are generally the same. Mr. Dean also stated any materials from the site that can be recycled are.

Ms. Thies asked if there is site work done after business hours. Mr. Springstead stated the only site work done after hours would be packing materials brought to the site close to the close of business. Mr. Springstead stated sometimes office work would go beyond normal business hours. Mr. Shephard questioned the issue of the berm. Mr. Springstead stated the berm will be landscaped on any private road, and the east side of the property will have a 15' berm.

Mr. Cornelius reminded the Board to look at land compatibility as the main objective, and stated more intense conditions will be placed on the project at the operating permit stage.

The objections from the audience were concerns regarding: odor, depreciating property values, possible well contamination, noise, environmental impacts, and future expansion.

Mr. Cornelius explained the county monitoring of odor on a “call-in” basis; if there is a call, Sumter County and DEP will investigate. Mr. Cornelius also explained in order to expand the

C&D landfill, the applicants would have to amend their C&D application and go through the hearing process again.

Mr. Topping asked Miguel Garcia, Tetra Tech, if the design of the project has adverse geotechnical and groundwater issues. Mr. Garcia stated, based on the information submitted and reviewed, it does not.

Mr. Topping asked Mr. Springstead and Mr. Dean if the existing landfill has any violations. Mr. Springstead stated there are no existing compliance issues with the existing landfill.

Mr. Topping made a motion to recommend approval of the Conditional Use Permit including the staff conditions to the Board of County Commissioners. Mr. Szczepanski seconded the motion and the motion carried.

T2007-0024

Frederick & Deborah Connell – Temporary Use Permit for three (3) years to allow a RV for a care receiver's residence.

Mr. Topping made a motion to remove this case from the table. Mr. Hill seconded the motion and the motion carried.

No one was present for the applicant. Therefore, the application was tabled until the next ZAB meeting, which will be August 20, 2007.

Ms. Thies made a motion to adjourn the meeting at 8:15 p.m. Mr. Hill seconded the motion and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board